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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,595	07/12/2004	Janos-Gerold Enderlein	0112740-979	9526

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EXAMINER

MARSH, OLIVIA MARIE

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,595

Applicant(s)

ENDERLEIN ET AL.

Examiner

Olivia Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 2, filed July 12, 2006, with respect to the rejection(s) of claim(s) 13-24 under 102(e) and 103(a) have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Evans *et al* (U.S. 6,690,918 B2) in view of London (5,590,184 A).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 13-14, 16-17, 20-21 and 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Evans *et al* (U.S. 6,690,918 B2).**

As to **claim 13**, Evans discloses:

A method for anonymous identification of profiles of subscribers in a communications system (**column 1, lines 10-12; column 3, lines 5-10**) comprising:

defining subscriber-specific profiles via an input unit of a communication appliance (**43**) and storing the subscriber-specific profiles in at least one of the communication appliance (**43**) and a module (**DB 45**) that is coupled to the communication appliance (**column 7, lines 61-64**);

collecting profiles of other subscribers in the communications system through the module coupled to the communication appliance using wireless, locally restricted network technology (**column 6, lines 40-45**);

comparing the collected profiles with the profile defined and stored in one of the communication appliance and module, wherein the profile is one of rejected or signaled to another subscriber based on comparison with a subscriber specific correlation threshold (**column 6, lines 45-47**); and

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establishing a communication connection between subscribers via an intermediate provider (**Internet 25/Backbone 23**) in the communications system whenever subscriber end activation takes place (**column 7, lines 32-35, lines 47-52**).

As to **claim 14**, Evans discloses everything as applied in claim 13 and Evans also discloses:

the wireless, locally limited network technology is one of a local area network (LAN) and a personal area network (PAN) utilizing Bluetooth technology (**column 4, lines 36-37**).

As to **claim 16**, Evans discloses everything as applied in claim 13 and Evans also discloses:

each module of a subscriber is allocated an ID number (**column 5, lines 62-64**).

As to **claim 17**, Evans discloses everything as applied in claim 13 and Evans also discloses:

the input unit comprises a computer (**43**) (**column 4, lines 55-56**).

As to **claim 20**, Evans discloses:

An apparatus (**43**) comprising:

a module (**DB 45**) configured to one of integrate in a mobile communication appliance or couple via an interface to the mobile communication appliance ("**Database 45 installed therein**," **column 7, line 61**), the module comprising:

a memory unit (**45**) for storage of profiles (**column 7, lines 61-62**);

a collecting unit that operates using wireless, locally limited network technology (**Bluetooth**), and is configured to collect

profiles of subscribers in a communications system (**"Share profiles locally," column 7, lines 61-62; column 4, lines 61-62**); a correlation unit configured to compare the collected profiles with one another (**"match them with other profiles," column 7, line 63**); and a signaling/synchronization unit (**column 8, lines 35-39, lines 45-48 – It is inherent that the Palm Device comprises such a unit in order to complete the functions described in the quoted section**).

As to **claim 21**, Evans discloses everything as applied in claim 20 and Evans also discloses:

the collecting unit is configured to operate on the basis of at least one of local area network (LAN) and personal area network (PAN) technologies (**column 4, lines 36-37**).

As to **claim 23**, Evans discloses everything as applied in claim 20 and Evans also discloses:

the correlation unit comprises a microcomputer (**column 6, lines 34-37; column 7, line 63 – It is inherent that the Palm Device comprises a microcomputer**).

As to **claim 24**, Evans discloses everything as applied in claim 20 and Evans also discloses:

the signaling/synchronization unit comprises a software assisted circuit (**column 8, lines 35-39**).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans as applied to claims 13 and 20 above, and further in view of well known prior art (MPEP 2144.03).**

As to **claim 15**, Evans discloses everything as applied in claim 13 above and Evans also discloses palm device 43 may access Internet 25, also represented by backbone 23, via an Internet-service-provider (ISP) 49 illustrated within intermediary wireless network 47, and an associated network gateway (NG) 51 also illustrated within network 47 (column 4, lines 65-67; column 5, lines 1-4). However, Evans fails to specifically disclose a respective mobile communication appliance, which operates in accordance with a standard, is used as the respective communication appliance, with the standard being selected from a group consisting of GSM, GPRS, EDGE and UMTS. The Examiner contends this feature was old and well known in the art at the time of invention as taught by well known prior art.

The Examiner takes Official Notice that it was old and well known in the art at the time of invention for Palm Device to access a wireless network utilizing the GSM, GPRS, EDGE, and UMTS standards in order to receive digital packet data over wireless connections.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method and the communication appliance, disclosed by Evans, a respective mobile communication appliance, which operates in accordance with a standard, is

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used as the respective communication appliance, with the standard being selected from a group consisting of GSM, GPRS, EDGE and UMTS, as taught by well known prior art, to provide a user of a mobile device with digital packet wireless services in a wireless network.

As to **claim 22**, Evans discloses everything as applied in claim 20 above and Evans also discloses hand-held device 42 is capable of storing many download profiles (column 7, line 60). However, Evans fails to specifically disclose the memory unit comprises a RAM. The Examiner contends this feature was old and well known in the art at the time of invention as taught by well known prior art.

The Examiner takes Official Notice that it was old and well known in the art at the time of invention to use RAM in mobile devices to provide storage capabilities in the mobile device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the apparatus and the memory unit, disclosed by Evans, the memory unit comprises a RAM, as taught by well known prior art, to enable a mobile device to store information received from external sources.

6. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans as applied to claim 13 above, and further in view of London (U.S. 5,590,184 A).

As to **claim 18**, Evans discloses everything as applied in claim 13 above and Evans also discloses "all real identification information such as names, phone numbers and the like are not provided during initial exchange in order to protect anonymity and privacy of users." However, Evans fails to specifically disclose each subscriber in the communications system is assigned a respective neutral telephone number in order to set up a communication connection between subscribers. The Examiner contends this feature was old and well known in the art at the time of invention as taught by London.

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In an analogous art, London teaches each subscriber in the communications system is assigned a respective neutral telephone number in order to set up a communication connection between subscribers (**column 1, lines 10-11; column 3, lines 65-67; column 5, lines 2-6**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method and subscribers, disclosed by Evans, each subscriber in the communications system is assigned a respective neutral telephone number in order to set up a communication connection between subscribers, as taught by London, to allow callers to protect their privacy without restraining their use of communications services.

As to **claim 19**, Evans discloses everything as applied in claim 13 and London teaches everything as applied in claim 18; however, Evans fails to disclose the neutral telephone numbers are assigned temporarily. The Examiner contends this feature was old and well known in the art at the time of invention as taught by London.

London also teaches the neutral telephone numbers are assigned temporarily (**column 4, lines 43-45**).


Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method and subscribers, disclosed by Evans, each subscriber in the communications system is assigned a respective neutral telephone number in order to set up a communication connection between subscribers, as taught by London, the neutral telephone numbers are assigned temporarily, also taught by London, to allow callers to protect their privacy without restraining their use of communications services.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olivia Marsh whose telephone number is 571-272-7912. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


NICK CORSARO
PRIMARY EXAMINER